

# Exhibit 4

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

LORI FITZGERALD, *et al.*, individually and on  
behalf of others similarly situated,

Plaintiffs,

v.

JOSEPH WILDCAT SR., *et al.*,

Defendants.

Case No. 3:20-cv-00044 (NKM)

**DECLARATION OF DALE W. PITTMAN**

I, Dale W. Pittman, Esquire, declare under penalty of perjury as follows:

1. My name is Dale W. Pittman. I am over the age of 18 and have personal knowledge of the facts set forth herein.

2. I am a member in good standing of the bars of the following courts:

Supreme Court of the United States  
Washington, DC  
February, 1997

Supreme Court of Virginia  
Richmond, Virginia  
June 8, 1976

U. S. Court of Appeals for the Fourth Circuit  
Richmond, Virginia  
September 2, 1980

United States District Court for the Western District of Virginia  
Roanoke, Virginia

United States District Court for the Eastern District of Virginia  
Richmond, Virginia  
December 30, 1976

U.S. Bankruptcy Court for the Eastern District of Virginia  
Richmond, Virginia  
November, 1997.

3. I am a 1971 graduate of Hampden-Sydney College and a 1976 graduate of the T. C. Williams School of Law of the University of Richmond, Virginia. I am a member of the Virginia State Bar, the Virginia Trial Lawyers Association, the Virginia Bar Association, the National Association of Consumer Advocates, the Federal Bar Association, and the Petersburg Bar Association, of which I am a past President. I am a member of the Council of the Virginia State Bar, the State Bar's governing body, now serving in my sixth term on Bar Council, having served prior five terms over the course of the past twenty-five years, as the elected representative of the Eleventh Judicial Circuit. My sixth term on Bar Council began on July 1, 2023. I am a member of the Board of Governors of the Virginia Trial Lawyers Association, and I chair the VTLA's Consumer Law Section. I serve on the Board of Directors of the Legal Services Corporation of Virginia (LSCV), which provides funding for programs offering civil legal assistance to low-income Virginians. I served as President of the LSCV Board for five years.

4. From February 1, 1977, until September 13, 1996, I was employed by Southside Virginia Legal Services, in Petersburg, Virginia, the local Legal Aid Society, as its General Counsel (Chief Executive Officer). My caseload at Southside Virginia Legal Services evolved over the years into a primarily consumer law practice.

5. From September 16, 1996, until the present I have maintained a private law practice with an office located in Petersburg. My work in private practice is limited almost exclusively to the representation of consumers, with particular emphasis on representing consumer debtors under the Fair Debt Collections Practices Act. I have a statewide consumer law practice and have represented consumers from all regions of the Commonwealth and elsewhere.

6. I was a contributing editor to the consumer law sections of *Virginia Practice Manual*, a practice manual for Legal Aid lawyers and for private lawyers handling cases under the auspices of *pro bono* initiatives in Virginia.

7. Pleadings and discovery from many of my consumer law cases appear in the National Consumer Law Center's *Consumer Law Pleadings*, nationally distributed form books of consumer law pleadings, beginning in 1994. Pleadings and discovery from my cases appear in Books 1, 2, 5, 6, 7, 10, and 11.

8. I have given over eighty lectures to lawyers that qualified for continuing legal education credit.

9. I have made two presentations on consumer protection law and litigation to Virginia's General District Court judges at the Judicial Conference of Virginia for General District Court judges, one in 1987 on consumer protection laws generally, and one in 2008 on arbitration in consumer financial services cases.

10. My consumer protection law continuing legal education lectures include the following:

FDCPA Developments	National Consumer Law Center Consumer Rights Litigation Conference	October 26, 2024
Mastering Wrongful Repossession Cases	National Association of Consumer Advocates Webinar	April 26, 2024
Proving Attorney Fees: The Effective and Ethical Method	Virginia Trial Lawyers Association Zoom CLE	October 6, 2022

Ethical Issues in FDCPA Practice	2022 Fair Debt Collection Conference, Orlando	April 25, 2022
Rental Repairs: Making the Right Choice for Your Client	Virginia Poverty Law Center Annual Statewide Training Conference	October 14, 2021
Spotting Violations of the FDCPA Regulations: Communications	National Consumer Law Center Fair Debt Collections Conference	March 4, 2021
Phone Cases	2018 Fair Debt Collections Conference, Chicago	March 19, 2018
Consumer Protection Litigation and Bankruptcy: Intersections and Collisions, Fair Debt Collections Practices Act Class Actions and Multiple Claims: End Games Planning (co-presenter with Judge John A. Gibney, Jr., Orran L. Brown, Sr, W. James Young, and M. Peebles Harrison)	Richmond Bar Association, Richmond	October 24, 2017
Serious Illness, the Law, and Pro Bono Services, Part 3: Relief from Creditors	Hampden-Sydney Bar Association CLE Event Hampden-Sydney	October 20, 2017
Representing the Pro Bono Client: Consumer Law Basics 2016	Legal Information Network Cancer, in conjunction with Virginia State Bar Access to Legal Services Committee	November 17, 2016
	Practicing Law Institute, San Francisco	July 22, 2016

Fair Debt Collections Practices Act	Old Dominion Bar Association Winter Meeting, Williamsburg	January, 30, 2016
Fair Debt Collections Practices Act Overview	Virginia State Bar Young Lawyers Section Professional Development Conference	September 24, 2015
Consumer Law (FDCPA)	A Law Day Celebration Ft. Lee, Virginia	May 1, 2015
FDCPA: Ask the Experts	National Association of Consumer Advocates Fair Debt Collection Training Conference, Washington, DC	March 11, 2015
“It May Not Be a Payday Loan....”	Virginia Poverty Law Center 2014 Annual Statewide Legal Aid Conference, Portsmouth	October 23, 2014
Meeting the Legal Needs of Individuals Facing Serious Illness Through Pro Bono – Relief From Creditors	Virginia State Bar and the Legal Information Network for Cancer Webinar	April 23, 2014
Ethical Responsibilities of Class Counsel to Class Representatives, the Class and Objectors	Fair Debt Collection Practices Act Training Conference, San Antonio, Texas	March 8, 2014
Fair Debt Collections Practices Act	Working With Military Clients, Military Law Section of the Virginia State Bar, Williamsburg, Virginia	October 18, 2013
How the Consumer Bar Views FDCPA Compliance by Collection Attorneys	National Association of Retail Collection Attorneys Fall Collection Conference, Washington, DC	October 17, 2013

Making the Bad Guys Pay	Virginia Poverty Law Center, Richmond	May 9, 2013
FDCPA: Ask the Experts	National Association of Consumer Advocates Fair Debt Collection Training Conference, Baltimore	March 8, 2013
FDCPA Update	JAG School, Charlottesville, VA	December 11, 2012
Fair Debt Collections Practices Act	VA CLE, Charlottesville, VA	September, 2012
FDCPA	ABA Standing Committee on Legal Assistance to Military Personnel, George Mason University Law School	March 15, 2012
Fair Debt Collections Practices Act	Ft. Lee Legal Assistance Division JAG Office CLE	May 5, 2011
Handling Fair Debt Collections Practices Act Cases	65th Legal Assistance Course, The Judge Advocate General's Legal Center and School, Charlottesville	November 16, 2009
Handling Fair Debt Collections Practices Act Cases	VPLC Statewide Legal Aid Conference, Williamsburg	November 5, 2009
Challenging Predatory Small Loans	National Consumer Law Center Consumer Rights Litigation Conference, Philadelphia	October 23, 2009

The Fair Debt Collections Practices Act: Update 2009

VA CLE Webinar

September, 2009

Handling Fair Debt Collections Practices Act Cases

2009 Mid-Atlantic Joint Services Consumer Law Symposium, Naval Legal Service Office Mid-Atlantic Legal Assistance Department, Norfolk

June 12, 2009

Handling Fair Debt Collections Practices Act Cases

64th Legal Assistance Course, The Judge Advocate General's Legal Center and School, Charlottesville

April 2, 2009

Defending Consumers in Medical Debt Collection Cases

National Consumer Law Center's Consumer Rights Litigation Conference in Portland, Oregon

October, 2008

Combating Consumer Issues Facing the Military, FDCPA Cases

Consumer Law Intensive for Military Personnel Advocates, National Consumer Law Center's Consumer Rights Litigation Conference in Portland, Oregon

October, 2008

Issues in Arbitration Cases

Judicial Conference of Virginia for District Court Judges, Virginia Beach

August 13, 2008

A Perfect Storm – The Intersection of the FDCPA and the FCRA in Debt Collection Harassment Cases

Virginia CLE Solo and Small Firm Institute, Williamsburg

May 13, 2008

Defending Debt Collection Suits

National Consumer Rights Litigation Conference, Washington, D.C.

November 11, 2007

Emerging Issues in Debt Collection Abuse & False Credit Reporting

Virginia Trial Lawyers Association Solo & Small Firm Conference, Richmond

October 19, 2007

The Fair Debt Collections Practices Act (Including 2006 Amendments)

Virginia CLE

September 24, 2007

Fair Debt Collections Practices Act

Naval Legal Service Office Mid-Atlantic Joint Services Consumer Law Symposium, Norfolk

May 11, 2007

How to Win (or Not Lose) an Arbitration

National Consumer Rights Litigation Conference Miami, Florida

November 11, 2006

Consumer Debt Collection

59th Legal Assistance Course  
The Judge Advocate's School  
Charlottesville

November 2, 2006

Consumer Credit:  
Remedies You Should be  
Aware Of

Virginia Trial Lawyers Association Solo & Small Firm Conference, Williamsburg

October 20, 2006

Collection Law From Start to Finish  
(Presentation on the FDCPA)

National Business Institute Richmond

October 10, 2006

Overview of the Fair Debt Collections Practices Act

Framme Law Firm, Richmond

June 23, 2006

Fair Debt Collection Practices Act

Naval Justice School  
Newport, Rhode Island

May 22 , 2006

Fair Debt Collection Practices Act – Essential Tips for Both Debtors and Creditors	Virginia CLE - 4th Annual Advanced Consumer Bankruptcy, Richmond	April 28, 2006
Fair Debt Collection Practices Act	3rd Annual Naval Legal Service Office, Mid-Atlantic, Auto Fraud Symposium, Norfolk	April 12, 2006
What the Virginia Lawyer Must Know About Consumer Protection	Solo and Small Firm Conference – Virginia Trial Lawyers Association, Charlottesville	September 30, 2005
Points to Consider if You are Going to Arbitration	National Consumer Law Center's 13th Annual Consumer Rights Litigation Conference	November 7, 2004
Protecting Your Client's Consumer Rights – Fair Debt Collections Practices Act	Virginia CLE - Richmond and Tysons Corner	April 21 and 22, 2004
Fair Debt Collections Practices Act Training Conference – Practice Issues	National Consumer Law Center and National Association of Consumer Advocates, Kansas City	February 22, 2004
Fair Debt Collections Practices Act	Henrico County Bar Association and Virginia Creditor's Bar Association, Richmond	February 19, 2004
Using Experts in Automobile Sale Wreck Damage Cases	IVAN Diminished Value Conference, Chesapeake	January 31, 2004
Consumer Law: Everything You Need to Know to be an Expert in Handling the Latest in Consumer Cases	First Annual Solo and Small Firm Conference – Virginia Trial Lawyers Association, Charlottesville	October 10, 2003

Points To Consider If You Are Going To Arbitration	Virginia Women Attorney's Association, Southside Chapter, Petersburg	July 31, 2003
Fair Debt Collection Practices Act	Virginia CLE, First Advanced Consumer Bankruptcy Conference	May 2, 2003
Fair Debt Collection Practices Act Fair Credit Reporting Act	Naval Justice School Newport, Rhode Island	April 3, 2003
Overview of the Fair Debt Collections Practices Act	Framme Law Firm, Richmond	December 17 & 18, 2002
Arbitrating: Who's Afraid of the Big Bad Wolf?	National Consumer Law Center Consumer Rights Litigation Conference, Atlanta	October 26, 2002
Mobile Home Litigation Issues	National Consumer Law Center Consumer Rights Litigation Conference, Atlanta	October 25, 2002
Settlement Agreements and Confidentiality Issues: Recent Cases in the News and the Problems News Attention Can Create	Virginia Trial Lawyers Association Fall Fiesta, Richmond	September 28, 2002
Practice Pointers Roundtable	Virginia Trial Lawyers Association Fall Fiesta, Richmond	September 27, 2002
Arbitration and Beyond: What to Do If You Are Forced Into Arbitration and What Happens After the Arbitral Award	Virginia Trial Lawyers Association Fall Fiesta, Richmond	September 27, 2002

Fair Debt Collection	ABA Standing Committee on Legal Assistance for Military Personnel Legal Assistance Symposium, Quantico	August 15, 2002
Practical Applications of Consumer Protection Laws for the General Practitioner – Part II	Virginia Women Attorneys Association, Southside Chapter, Petersburg	June 27, 2002
Practical Applications of Consumer Protection Laws for the General Practitioner – Part I	Virginia Women Attorneys Association, Southside Chapter, Petersburg	April 25, 2002
Federal Court-Fun & Easy	Annual Statewide Legal Aid Conference, Virginia Beach	November 1, 2001
FDCPA Compliance for the Virginia Practitioner	National Business Institute CLE for Virginia Lawyers, Richmond	October 11, 2001
Use of Magnuson-Moss Warranty Act in the Recovery of Attorney's Fees	Virginia Trial Lawyers Association Fiesta 3, Richmond	September 28, 2001
Credit Reporting Abuse	Petersburg Kiwanis Breakfast Club, Petersburg	September 18, 2001
A Consumer Lawyer's Perspective on Mobile Home Transactions	Virginia Manufactured Housing Association, Virginia Beach	August 8, 2001
Debt Collection Harassment, Credit Reporting Abuse, Home Solicitation Sales, Fraud.	Elder Law Day	May 11, 2001

Truth in Lending Act and Title Issues in Car Sales	VA Independent Automobile Dealers Association, District 1 Dinner Meeting, Virginia Beach, Virginia	April 11, 2001
What Do These Attorneys Know About The Used Car Business That You Don't?	VA Independent Automobile Dealers Association, District 2 Dinner Meeting, Richmond, Virginia	January 30, 2001
Mobile Home Litigation Issues	National Consumer Law Center Consumer Rights Conference	October 28, 2000
Update on the Fair Debt Collection Practices Act	Virginia CLE®	July 12 and 19, 2000
Consumer Privacy in the Electronic Age	The Bar Association of the City of Richmond	May 31, 2000
Consumer Law Update for Virginia Practitioners, Fair Debt Collection Practices Act.	Virginia CLE®	December 7 and 8, 1999
Recent Developments in Fair Debt Collection, With an Emphasis on the Fourth Circuit	Annual Statewide Legal Aid Conference	November 3, 1999
Recent Developments in Fair Debt Collection	The Bankruptcy Section of the Bar Association of the City of Richmond	October 26, 1999
Consumer Law Seminar	Office of the Staff Judge Advocate, Ft. Eustis, Virginia	August 27, 1999

Automobile Fraud and Financing Issues	Annual Statewide Legal Aid Conference	November 11, 1998
Consumer Law for Support Staff	Annual Statewide Legal Aid Conference	November 11, 1998
First Day in Practice (Topic: Consumer Law Practice)	Virginia State Bar	November 3, 1998
Complying with the Fair Debt Collection Practices Act in Virginia	National Business Institute CLE for Virginia Lawyers	September 9, 1998
Basic Overview of Several Consumer Protection Laws Available to Assist Victims of Consumer Fraud and Abuse	Charlottesville-Albemarle Bar Association Bankruptcy/Creditors' Rights Committee	February 10, 1998
Overview of Consumer Law for Support Staff	Annual Statewide Legal Aid Conference	November 6, 1997
The Fair Debt Collection Practices Act	Annual Statewide Legal Aid Conference	November 6, 1997
Recent Developments under the Fair Debt Collection Practices Act	Virginia Creditor's Bar Association	September 25, 1997
Fair Debt Collection Practices Act	10th Circuit Bar Association, Keysville, VA	April 23, 1997

Complying With the Fair  
Debt Collection Practices  
Act in Virginia

National Business Institute  
CLE for Virginia Lawyers

February 11, 1997

State and Federal  
Consumer Protection  
Statutes Frequently  
Applicable to General  
District Court Cases

Judicial Conference of  
Virginia General District  
Court Judges

April 29, 1989

Everything Under the Sun  
You Ever Wanted to  
Know About Handling  
Home Improvement Cases

Elderly Law Task Force of  
Virginia Legal Services  
Programs

Consumer Law for Non-  
Consumer Lawyers

Virginia Legal Services  
Attorneys

Handing Home  
Improvement Cases

Consumer Law Training  
for Virginia Legal  
Services Attorneys

11. The Summer 2006 edition of *The Journal of the Virginia Trial Lawyers Association* included “Disputing Home Loan Servicing Abuse Through RESPA,” an article that I prepared for that publication.

12. For nearly a decade, I prepared annual reports on Virginia law for the American Bar Association’s *Survey of State Class Action Law*.

13. I was Section Chairman and Program Moderator for a Virginia Trial Lawyers Association Consumer Law Seminar entitled “Keeping the Big Boys Honest,” that took place on April 25, 1997, and covered the Fair Debt Collections Practices Act, the Fair Credit Reporting Act, Consumer Class Actions, Motor Vehicle Litigation, and Recovering Attorney’s Fees in Consumer Litigation. I was Program Chair for the Consumer Law portion of the VTLA’s February Fiesta

CLE that took place in Williamsburg in February, 2000. I was a presenter on Mobile Home Sales, and in a Consumer Law Practice Roundtable. I was Program Chair for the Consumer Law portion of the VTLA's Fall Fiesta that took place in Williamsburg on October 14 and 15, 2000, and was a presenter on Emerging Issues in Mobile Home Sales Fraud. I was Program Chair for the Consumer Law portion of the VTLA's Fiesta 3 that took place in Richmond on September 28 and 29, 2001, and was a presenter on "Use of the Magnuson-Moss Warranty Act to Recover Attorney's Fees." I was Program Chair for the Consumer Law portion of the VTLA's Fiesta 2002 that took place in Richmond on September 27 and 28, 2002, and was a presenter with Judge Dohnal and others on "Settlement Agreements and Confidentiality Issues: Recent Cases in the News and the Problems News Attention Can Create," "Arbitration and Beyond: What to Do If You Are Forced Into Arbitration and What Happens After the Arbitral Award," and a roundtable participant in a "Practice Pointers Roundtable."

14. I was the 1996 recipient of the Virginia State Bar Legal Aid Award, given annually by the Virginia State Bar to recognize a Legal Aid attorney in Virginia who demonstrates innovation and creativity in advocacy and excellence in service to low-income clients. On November 9, 2007, I received the 2007 Consumer Attorney of the Year Award from the National Association of Consumer Advocates at its Annual Meeting in Washington, D.C. On October 21, 2010, I received the Virginia Lawyers Weekly "Leader in the Law 2010" award. On November 4, 2010, I received the Virginia Poverty Law Center's John Kent Shumate, Jr. Advocate of the Year Award, in recognition of my having made a significant impact in advocating for low-income Virginia residents. The Virginia Trial Lawyers Association recognized me as only the fifth recipient of its Oliver White Hill Courageous Advocate Award at the VTLA's 2014 annual convention, an award periodically presented to an advocate who has demonstrated courage and

commitment to the ideals of justice in representing an individual or cause at considerable personal risk. I received the Dr. David E. Marion Award for Legal Excellence, presented by the Hampden-Sydney College Bar Association, on October 20, 2017. I was named to the Virginia Lawyers Hall of Fame for 2019 by Virginia Lawyers Media, being honored for my career accomplishments, contributions to the development of the law in Virginia, contributions to the Bar and to the Commonwealth at Large and efforts to improve the quality of justice in Virginia. I have been selected to Virginia Super Lawyers every year since 2011. I am a fellow of the Virginia Law Foundation, whose mission is to promote, through philanthropy, the rule of law, access to justice, and law-related education. I am a member of the Virginia Poverty Law Center Advisory Council, a group of key community leaders advising the Center and serving as its ambassador by championing its mission of breaking down systemic barriers that keep low-income consumers in the cycle of poverty.

15. I have been involved in many consumer cases involving a range of consumer protection laws, with an emphasis on the Fair Debt Collection Practices Act. Fair Debt Collection Practices Act, Fair Credit Reporting Act, Real Estate Settlement Procedures Act, Truth in Lending Act, and Equal Credit Opportunity Act cases that I have handled alone or co-counseled with others include *Bayone, et al. v. RAM's Auto Sales*, Civil Action No. 81-0847 (E.D. Va. 1981); *Withers v. Eveland*, 988 F. Supp. 942 (E.D. Va. 1997); *Creighton v. Emporia Credit Service, Inc.*, 981 F. Supp. 411 (E.D. Va. 1997); *Morgan v. Credit Adjustment Board*, 999 F. Supp. 803 (E.D. Va. 1998); *Talbott v. GC Services Limited Partnership*, 53 F. Supp. 2d 846 (W.D. Va. 1999); *Talbott v. GC Services Limited Partnership*, 191 F.R.D. 99 (W.D. Va. 2000); *Woodard v. Online Information Servs.*, 191 F.R.D. 502 (E.D.N.C., Jan. 19, 2000); *Pitchford v. Oakwood Mobile Homes*, 124 F. Supp.2d 958, 961 (W.D. Va. 2000); *Sydnor v. Conseco Financial Services Corp.*, 252 F.3d 302, 305 (4<sup>th</sup> Circ. 2001); *Jones v. Robert Vest*, 2000 U.S. Dist. LEXIS 18413 (E.D. Va. 2000); *Kelly v. Jormandy*, 2005 U.S. Dist. LEXIS 29901 (W.D. Va.

2005); *Lynch v. McGeorge Camping Center*, 2005 U.S. Dist. LEXIS 10201, \*12 (E.D. Va. 2005); *Thornton v. Cappo Mgmt. V, Inc.*, 2005 U.S. Dist. LEXIS 10202, \*6 (E.D. Va. 2005); *Gansauer v. Transworld Systems, Inc.*, Civil Action No. 7:00cv00931 (W.D. Va. 2007); *Croy v. E. Hall & Associates, P.L.L.C.*, 2007 U.S. Dist. LEXIS 14830 (W.D. Va. 2007); *Turner v. Shenandoah Legal Group, P.C.*, 2006 U.S. Dist. LEXIS 39341 (E.D. Va., June 12, 2006); *Karnette v. Wolpoff & Abramson L.L.C.*, 444 F. Supp. 2d 640 (E.D. Va. 2006); *Karnette v. Wolpoff & Abramson, L.L.P.*, 2007 U.S. Dist. LEXIS 20794 (E.D. Va. March 23, 2007); *Bicking v. Law Offices of Rubenstein and Cogan*, 783 F. Supp. 2d at 841v (E.D. Va. 2011); *James v. Encore Capital Corp.*, No. 3:11cv226 (E.D. Va.), *Goodrow v. Friedman & MacFadyen, P.A.*, 788 F. Supp. 2d 464 (E.D. Va. 2011); *Goodrow v. Friedman & MacFadyen, P.A.*, 2013 U.S. Dist. LEXIS 105395 (E.D. Va. July 26, 2013); *Kelly v. Nationstar*, 2013 U.S. Dist. LEXIS 156515 (E.D. VA 2013); *Cross v. Prospect Mortgage, LLC*, 986 F. Supp. 2d 688 (E.D. Va. 2013); *Fariasantos v. Rosenberg & Associates, LLC*, 2014 WL 928206, 2014 U.S. Dist. LEXIS 30898, (E.D. Va. 2014); *DeCapri v. Law Offices of Shapiro Brown & Alt, LLP*, 2014 U.S. Dist. LEXIS 131979, 2014 WL 4699591 (E.D. Va. 2014); *Lengrand v. WellPoint*, No. 3:11-CV-333 (E.D. Va.); *Henderson v. Verifications, Incorporated*, Civil Action No. 3:11cv514 (ED Va.); and *Thomas v. Wittstadt Title & Escrow Company, LLC*, No. 3:12cv450 (E.D. Va.); *Soutter v. Equifax Information Services, LLC*, 307 F.R.D. 183 (E.D. Va. 2015); *Henderson v. Corelogic, Inc., et al.*, Civil Action No. 3:12cv97 (E.D. Va.); *Berry, et al. v. Schulman*, 807 F.3d 600 (4<sup>th</sup> Cir. 2015); *Henderson v. First Advantage Background Services Corp.*, Civil Action No. 3:14cv221 (E.D. Va.); *Hayes v. Delbert Services Corp., et al.*, Civil Action No. 3:14cv258 (E.D. Va.); *Cornell v. Brock & Scott, PLLC*, Civil Action No. 3:14cv841 (E.D. Va.); *Reese v. Stern & Eisenberg Mid Atlantic, PC*, Civil Action No. 3:16cv496 (E.D. Va.); *Bralley v. Carey*, 2011 U.S. Dist. LEXIS 107015 (E.D. Va. 2011); *Bralley v. Carey*, 2011 U.S. Dist. LEXIS 142896 (E.D. Va. 2011); *Bralley v. Carey*, 2012 U.S. Dist. LEXIS 15191 (E.D. Va. 2012); *Hicks v. Fay Servicing, LLC*, 3:17cv780 (E.D. Va.); *Biber v. Pioneer Credit Recovery, Inc.*, 2018 U.S. Dist. LEXIS 62325 (E.D. Va. 2018); *McClain v. Portfolio Recovery*

*Associates, LLC*, 2:18cv482 (E.D. Va.); *Cassell v. Receivables Performance Management, LLC*, 7:2018cv648 (W.D. Va.); *Grimes v. SunTrust Bank*, 3:2019cv400 (E.D. Va.); *Taylor v. Timepayment Corporation*, 3:18cv378 (E.D. Va.); *Baker v. NRA*, Civil Action No. 3:19cv48 (W.D. Va.); *Curtis v. Propel Property Tax Funding*, 915 F.3d 234 (2019); *Street v. Glen Allen Towing & Recovery, Inc.*, 3:19cv567 (E.D. Va.); *Blank v. Hyundai Capital America, Inc.*, 3:19cv735 (E.D. Va.); *Tinnell v. Durham & Durham, LLP*, 3:2019cv632 (E.D. Va.); *Lynda B. Harris v. American Coradius International, LLC*, 3:20cv625 (E.D. Va.); *Carter v. R&B Corporation of Virginia*, 4:20cv202 (E.D. Va.); *Louk v. Wright Way Motors, LLC*, 5:2020cv14 (W.D. Va.); *Cowles v. Peroutka, Miller, Klima & Peters, P.A.*, 3:20cv470 (E.D. Va.); *Green v. Kinum, Inc.*, 3:20cv329 (E.D. Va.); *Turner v. Faber & Brand, LLC*, Civil Action No. 3:21cv30 (E.D. Va.); *Beavers v. Summit Community Bank, Inc.*, 1:21cv42 (W.D. Va.); *Paul v. Freedom Mortgage Corporation*, 2:21cv633 (E.D. Va.); *Beville v. Experian Information Solutions, Inc.*, 3:21cv343 (E.D. Va.); *Mejias v. Hyundai Lease Titling Trust*, 3:21cv393 (E.D. Va.); *Bohannon v. Elite Auto, Inc.*, 3:21cv402 (E.D. Va.); *Henderson v. Source for Public Data, L.P.*, 540 Supp. 3d 539 (E.D. Va. 2021); 53 F.4<sup>th</sup> 110 (4<sup>th</sup> Cir. 2022); *Hammack v. PHH Mortgage Corporation*, 3:22cv111 (E.D. Va.); *McAfee v. Synchrony Bank, et.al*, 3:22cv261 (E.D. Va.); *McAfee v. CIC Mortgage Credit, Inc.*, 3:22cv772 (E.D. Va.); and *Tate v. Freedom Mortgage Corp.*, 2023 U.S. Dist. LEXIS 206292, 2023 WL 8006194 (D. Or. 2023). I was one of several lawyers representing plaintiff classes in a Multidistrict FDCPA class action, styled *In Re Dun & Bradstreet, Inc. Debt Collection Practices Litigation*, MDL #1198. The cases, originally transferred by the Judicial Panel on Multidistrict Litigation to the Western District of Virginia, Danville Division, for consolidated pretrial proceedings, were centralized before the Northern District of Illinois for purposes of finalizing settlement. Classes were certified in *Talbott, Woodard, Gansauer, Karnette, Bicking, Goodrow, Kelly, Fariasantos, DeCapri, Lengrand, Henderson v. Verifications, Incorporated, Thomas, Soutter, Henderson v. Corelogic, Inc., Berry, Henderson v. First Advantage Background Services Corp., Hayes, Cornell, Reese, and Turner v. Faber & Brand*.

16. I served as Special Master in a case styled *Silva v. Haynes Furniture Company, Inc.*, Civil Action No. 4:04cv082, (E.D. Va.), an ECOA/FCRA class action, having been appointed by Judge Kelley on January 27, 2006.

17. Very few Virginia attorneys are willing to accept consumer cases because of the special expertise required and the risk of nonpayment. This case is not only a consumer case requiring such special expertise at the risk of nonpayment, but it is more complex than most consumer actions I have seen in my years of legal practice.

18. I have extensive experience in consumer cases brought filed in federal courts in Virginia. I routinely represent plaintiffs in cases brought in the Eastern District of Virginia under the FDCPA and FCRA. I have been involved in many cases involving requests for attorneys' fees under different consumer protection claims and statute and am familiar with the rates charged by both plaintiffs' and defense attorneys in this region. My knowledge of the attorneys' fee recoveries, factors and rates in this District and this region comes from a variety of sources, including my own personal experience requesting, or opposing requests for, attorneys' fees, research and discussions with other attorneys, advertised rates, case decisions and other publications. I have had an opportunity to survey and I keep track of the attorneys' fees recovered in complex and consumer finance class action cases in this District and Division, as well as in the consumer protection field.

19. Given the specific knowledge I have as to attorneys fees awarded and charged in this field and this market, I am able to testify as to the reasonable and expected ranges of fees in class action common fund settlements. In Virginia, an approved common fund percentage will almost always be between 25% and 35%. Within that range, the most common fee percentages are 30%, 33% and 35%.

20. The largest factor effecting the percentage of common fund approved is the size of the common fund. Cases that settle for gross funds in excess of \$15,000,000 are more likely to have a fee

set closer to 30%. Cases with gross settlement funds below \$2,000,000 are more likely to have a fee set closer to 35%.

21. In this case, Plaintiffs and the Class recovered a gross settlement common fund greater than \$15,000,000 but less than \$40,000,000. While I believe this settlement for over consumers is excellent, this is not a “superfund” settlement that would likely result in a lowered percentage. The 33.33% sought by Plaintiffs and Class Counsel here is a reasonable percentage that is not an outlier, but rather consistent with my expectations for the awards made for funds in this range. It is also consistent with every other tribal lending cases. *See Turner v. ZestFinance, Inc.*, No. 3:19-cv-293, Final Approval Order, Dkt. 114 (E.D. Va. July 9, 2020) (granting final approval of a class settlement providing \$170 million in debt cancellation and a common fund of \$18.5 million); *Gibbs v. Plain Green, LLC*, No. 3:17-cv-495, Final Approval Order, Dkt. 141 (E.D. Va. Dec. 13, 2019) (granting final approval of a class settlement providing \$380 million in debt cancellation and a common fund of \$53 million); *Galloway v. Williams*, No. 3:19-cv-470, Final Approval Order, Dkt. 115 (E.D. Va. Dec. 18, 2020) (granting final approval of a class settlement providing \$100 million in debt cancellation and a common fund of \$8.7 million); *Gibbs v. TCV, LLP*, No. 3:19-cv-00789, Final Approval Order, Dkt. 95 (E.D. Va. Mar. 29, 2021) (granting final approval of a class settlement providing \$383 million in debt cancellation and a common fund of \$50 million); *Hengle v. Asner*, No. 3:19-cv-250, Final Approval Order, Dkt. 230 (E.D. Va. Oct. 25, 2022) (granting final approval of a class settlement providing \$450 million in debt cancellation and a common fund of \$39 million); *Blackburn v. A.C. Israel Enterprises*, Case No. 3:22-cv-146, Final Approval Order, Dkt. 228 (E.D. Va.) (granting final approval of a class settlement creating a common fund of \$25.5 million).

22. The 33.33% of the cash fund is not only reasonable on its own, but it is even more reasonable when considering extraordinary debt cancellation achieved by Class Counsel. It is well

established that a court “must also consider the overall benefit to the class, including non-monetary benefits, when evaluating the fee request.” *Bell v. Pension Comm. of ATH Holding Co., LLC*, 2019 WL 4193376, at \*2 (citing *Spano v. Boeing Co.*, 2016 WL 3791123, at \*1 (S.D. Ill. Mar. 31, 2016)); *see also Gradie v. C.R. England, Inc.*, 2020 WL 6827783, at \*12 (D. Utah Nov. 20, 2020) (“The Court finds it appropriate to include the debt relief portion of the Settlement in the gross value because the debt relief provides real and tangible benefit to Participating Class Members, and courts routinely include debt relief as part of the total settlement fund, as the cases cited by Plaintiffs demonstrate.”); *Sorace v. Wells Fargo Bank*, 2024 WL 643229, at \*10 (E.D. Pa. Feb. 15, 2024) (“Courts frequently include debt forgiveness in the value of settlements.”). When accounting for the debt cancellation, the requested fee is .0088% percent of the value of the settlement, which is obviously reasonable. Also, the debt cancellation is not a coupon (or other form of consideration without meaningful value), but eliminates the legal right for the tribal entities to pursue what they view to be lawful and enforceable loan contracts. Elimination of the loans not only has a high-dollar value, but also alleviates the psychological strain associated with these debt traps—which often cause consumers to take out multiple loans to pay off a prior debt. This is an outstanding result, which will directly benefit members of the class.

23. I am familiar with the law firms of Kelly Guzzo PLC, who are Class Counsel in this case. I know from personal observation that each such lawyer participating from those firms is a top-notch attorney. I also know from personal observation that they are among the very best attorneys who constitute Virginia’s consumer-side consumer protection bar, and also are among the best in their field nationwide.

24. In my opinion, Kelly Guzzo (KG) is one of America’s best consumer-side consumer protection litigation law firms. I cannot point to any other law firm in the country that I

would describe as doing a better job representing consumers in federal court in consumer protection litigation, especially in tribal lending cases.

25. I have known Kristi C. Kelly for roughly fourteen years. I have followed her career by attending consumer protection lectures that she has given, by consulting regularly with her on matters of consumer protection law, and by working together with her in cases that we have co-counseled. I know her to be an extremely skilled, thorough and tenacious litigator, who enjoys the well-deserved reputation of being perhaps the top mortgage lending and mortgage foreclosure abuse lawyer in Virginia and nationally is recognized for her work on tribal lending cases.

26. I have known Andrew J. Guzzo for roughly ten years. Throughout the time that I have known Mr. Guzzo, he has worked in affiliation with Ms. Kelly.

27. Mr. Guzzo and I have collaborated on motions briefing, discovery issues, and other aspects of a number of consumer protection matters, primarily in cases arising under the Fair Debt Collection Practices Act. As an example, we worked closely together on a Motion to Dismiss briefing in *Kelly v. Nationstar Mortgage*, Civil Action No. 3:13-cv-311(JAG), a Richmond Division FDCPA case. His work there, as in all the other work that I have seen him do, was excellent, and contributed significantly in my opinion to the favorable ruling that we received from Judge Gibney in that case. *Kelly v. Nationstar Mortgage, LLC*, 3013 U.S. Dist. Lexis 156515 (E.D. Va. 2013).

28. I have known Casey Nash for roughly eleven years, having met her through her work at CLA. I know Ms. Nash to be a conscientious, extremely bright, and hard-working lawyer who has assisted in developing and litigating several ground-breaking consumer-protection litigation theories in cases in which I have worked as co-counsel, including for example her enormous contributions to the Complaint preparation and briefing in *Goodrow v. Friedman & MacFadyen*, Civil Action No. 3:11-

cv-20(MHL), a mortgage foreclosure case in the Richmond Division that asserted a number of cutting edge consumer protection theories.

29. I have known Pat McNichol and Matt Rosendahl for several years since their respective clerkships on the Eastern District of Virginia. Both as law clerks and in private practice, they have gained reputations as creative and hardworking lawyers and excellent advocates. Both are strong additions to the bench at KG.

30. I believe that the fee sought by Class Counsel in this matter is not only fair and reasonable, given the qualifications of Class Counsel, the strong success in obtaining a landmark settlement, but also that anything less would underestimate the value of Class Counsel's work and effort expended on this litigation given its incredible complexity. As such, this case demanded specialized skill and experience that even some of the best consumer class action attorneys operating at the highest level of legal practice do not have. It is clear to me that Class Counsel in this case both possess and implemented the necessary specialized skill and experience. In addition, they faced these challenges brilliantly while facing some of the most premier defense law firms in the country.

I declare under penalty of perjury of the laws of the United States that the foregoing is correct.

Signed this 12th day of November, 2024.

/s/ Dale W. Pittman  
Dale W. Pittman